

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

INGRID COX

Claimant

VS.

DILLARD'S DEPARTMENT STORES, INC.

Respondent
Self-Insured

AND

NATIONAL ENVELOPE CORPORATION

Respondent

AND

LIBERTY MUTUAL INSURANCE COMPANY

Insurance Carrier

Docket Nos. 187,592 &
195,812

ORDER

The respondent Dillard's Department Store, a qualified self-insured, requests review of the Preliminary Hearing Order of Administrative Law Judge Robert H. Foerschler entered in this proceeding on May 17, 1995.

ISSUES

One of the issues before the Administrative Law Judge was which respondent should be responsible for providing medical care and treatment to claimant. The Administrative Law Judge found both respondents were liable. The respondent Dillard's Department Store requested this review. The issue now before the Appeals Board is whether claimant sustained personal injury by accident arising out of and in the course of her employment with Dillard's Department Store or whether the respondent National Envelope Corporation and its insurer should be solely responsible for claimant's medical care.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

After reviewing the entire record and considering the arguments of the parties, for purposes of preliminary hearing the Appeals Board finds as follows:

(1) The Appeals Board has jurisdiction to review these preliminary hearing findings under K.S.A. 44-534a. The issue in this proceeding of who is responsible for payment of workers compensation benefits relates to the issue whether claimant sustained personal injury by accident arising out of and in the course of claimant's employment with Dillard's Department Store.

(2) The Preliminary Hearing Order of the Administrative Law Judge should be modified. The greater weight of the evidence presented to date indicates claimant's present need for medical treatment is related to the right wrist injury she sustained while working for National Envelope Corporation during the period of May 1993 to August 26, 1993, and that claimant did not sustain an injury while working for Dillard's Department Store during the period of July through September 1994. Claimant testified her symptoms never resolved after her injury at National Envelope and that they essentially remained the same during her subsequent employment at Dillard's. In addition to claimant's testimony, the medical evidence presented indicates claimant's present symptoms more likely than not are related to her injury at National Envelope rather than her work activities at Dillard's.

WHEREFORE, it is the finding, decision, and order of the Appeals Board that National Envelope Corporation is solely responsible for claimant's medical care and treatment, and any other workers compensation benefits related to her right wrist and arm injury.

IT IS SO ORDERED.

Dated this ____ day of August 1995.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

c: Kathryn P. Barnett, Kansas City, KS
Eric T. Lanham, Kansas City, KS
Stephanie Warmund, Overland Park, KS
Robert H. Foerschler, Administrative Law Judge
Philip S. Harness, Director